IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

LA.App..No. 710 of 2001()

LAR.39/1995 of SUB COURT,KOTTARAKKARA
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APPELLANT:

THE STATE OF KERALA.

BY ADVOCATE GENERAL
GOVERNMENT PLEADER, SRI K.V.MANOJ KUMAR

RESPONDENTS:
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1. K.G.CHANDRASEKHARA PILLAI,
RESIDING AT KUTTIVILA VEEDU,
KIZHAKKEKARA MURI,
KOTTARAKKARA VILLAGE,
KOTTARAKKARA TALUK.

(*) ADDL.R2 J.VIJAYAMMA, W/O.LATE K.G.CHANDRASEKHARA PILLAI,
KUTTIVILAVEEDU, KIZHAKKEKARA MURI,
KOTTARAKKARA VILLAGE,
KOTTARAKKARA TALUK.

(*) ADDL.R3 C.SURESHKUMAR, S/O.LAGE K.G.CHANDRASEKHARA PILLAI
-DO- -DO- -DO-

(*) ADDL.R4 C.PRADEEP KUMAR, S/O.LAGE K.G.CHANDRASEKHARA PILLAI
-DO- -DO- -DO-

(*) ADDL.R5 C.V.PREETHA, D/O.LAGE K.G.CHANDRASEKHARA PILLAI
-DO- -DO- -DO-

(*) ADDL.RESPONDENTS 2 TO 5 ARE IMPLEADED AS THE LEGAL REPRESENTATIVES OF THE DECEASED FIRST RESPONDENT VIDE ORDER DATED 22/10/2003 IN I.A.NO.1391/2003.

BY ADV. SRI.V.N.ACHUTHA KURUP
SRI.M.S. RADHAKRISHNN NAIR
SRI.B.S.SWATHY KUMAR
SRI.K.HARILAL
SRI.P.V. SURESH KUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.225/2002 IN L.A.A.No.710/2001

CLOSED.

SD/- KURIAN JOSEPH, JUDGE
SD/- HARUN-UL-RASHID, JUDGE

06/12/2007

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KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

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Land Acquisition Appeal No. 710 of 2001-B

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Dated this the 6th day of December, 2007

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R No.39/1995 on the file of the Sub Court, Kottarakkara. The acquisition is for the Kerala State Civil Supplies Corporation. The Land Acquisition Officer awarded Rs.14,692/- per Are. The reference court enhanced it to Rs.48,044/- per Are. It is seen that the claimant had produced Exts.A1 to A17 documents, of which Ext.A17 is the sale deed executed on 23/09/1989. Section 4(1) notification in this case is dated 09/07/1991. The reference court noted that, the vendee in Ext.A17 is a religious institution and hence, there cannot be any dispute with regard to the market value. Since, the document was duly proved and taking note of the further fact of the proximity of the acquired land to the developing area and

potentiality for further development, the reference court fixed land value at the rate of Rs.48,044/- per Are. We are convinced that the fixation of the market value on the basis of the values shown in Ext.A17 sale deed executed in 1989 is only just, fair, proper and reasonable. Therefore, there is no merit in the appeal filed by the State. It is only to be dismissed.

In the cross objection, the claim is with regard to the statutory benefit of interest on solatium. Being a settled position [See the decision reported in **Sunder v. Union of India** (2001 (3) KLT 489 (SC)], we hold that the claimant is entitled to interest on solatium also. Subject to the above modification in the judgment and decree, this appeal is dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

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